

## Question and Answers

## Rehabilitation Implementation

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The Small Watershed Rehabilitation Amendments of 2000 (PL106-472) authorizes the USDA Natural Resources Conservation Service (NRCS) to work with local community leaders and watershed project sponsors to address public health and safety concerns and environmental impacts of aging dams.

### **Q. Who may submit a request for assessment of an existing dam?**

- A. At least one of the project sponsors with Operation and Maintenance responsibility for the specific dam.

### **Q. How can a request for rehabilitation be submitted?**

- A. Form SF-424 "Request for Federal Assistance" will be used; additional information must be attached to the application.

### **Q. Who must sign an application for assistance for rehabilitation?**

- A. All current sponsors of the watershed project.

### **Q. How is the State Dam Safety Agency involved in evaluation of an application?**

- A. The project sponsors will attach information received from the State Dam Safety Agency to the application for assistance. The State Dam Safety Agency will also be requested to provide input in evaluating the applications received. This information will be considered in setting priorities.

### **Q. How will ranking of applications be accomplished?**

- A. the NRCS State Conservationist assigns ranking priority for each application received after evaluating the following:

- ◆ Probability of failure considers the design features and existing condition of the dam. A "failure index" is computed; the higher the index, the greater the probability of dam failure.
- ◆ The consequence of failure considers factors such as potential for loss of life, loss of lifelines (transportation, water supply, utilities, etc), and environmental factors (threatened or endangered species, contaminated sediment, riparian area, wildlife, wetlands, etc.
- ◆ Input from the State Dam Safety Agency.

### **Q. What document is needed for watershed rehabilitation plans?**

- A. The "document" will generally be a supplement or revision to the current plan. In the case of Pilot watersheds, Resource Conservation and Development and some PL-534 projects, existing plans may not be available and a new plan may need to be prepared.

# Rehabilitation Questions and Answers

**Q. What Standards will be used if a dam is upgraded to meet current criteria?**

A. NRCS and State Dam Safety criteria will be used, which ever is more stringent.

**Q. Can components of an existing dam be replaced or modified to eliminate an immediate problem even though the rehabilitation project will not extend the design life of the entire dam beyond its original life?**

A. No, the statute requires extension of the service life of the dam.

**Q: Will relocation of downstream dwellings be an eligible component of a rehabilitation project to avoid need for costly upgrade of a low hazard dam to high hazard criteria?**

A. Yes, if relocation is part of the most cost-effective alternative selected by sponsors.

**Q: Can a rehabilitation project consist of only relocating downstream hazards and enacting controls on future development within the breach inundation area without doing any work on the dam itself.**

A: No. The statute requires that rehabilitation must include extending the service life of the dam and meet applicable safety and performance standards. Therefore, the completed rehabilitation project must include work necessary to assure the dam meets all current standards and will function for at least another 50 years.

**Q. Can the cost of purchasing development rights or conservation easements to control future downstream development be considered part of the total cost of the rehabilitation project?**

A. Yes. Purchase of conservation easements and development rights can be used to avoid the need for upgrading of the dam due to an increase in hazard classification. Costs are considered part of the total cost of the rehabilitation project.

Since they are considered landrights they must be secured by the sponsors as part of their 35 % share of costs.

**Q. Can a dam be decommissioned or removed as part of a rehabilitation project?**

A. Yes.

**Q. If other natural resource needs are addressed during the rehabilitation project (municipal water supply, wildlife and wetland habitat enhancement, etc.) what federal cost-share will be applied to the additional costs to address these needs?**

A. The law authorizes 65% federal cost-share for rehabilitation measures only. If other natural resource needs are addressed, the federal cost-share for other project purposes will be according to the original PL-83-566 provisions. Other programs can also be used as appropriate.

**Q. What is included in the total cost of a rehabilitation project?**

A. (a) Acquisition of land, easements, and rights-of-way. This may include:

- ◆ The area needed for construction and resulting reservoir.
- ◆ Access route for operation and maintenance.
- ◆ The breach inundation area to control future downstream development.
- ◆ Other areas required to ensure proper functioning.

(b) Project administration.

(c) Technical assistance, if provided by the project sponsors.

(d) Contracting and construction costs, including reconstruction or decommissioning of the dam and relocating, removal, or flood-proofing of at risk property in the breach inundation area.

# **Rehabilitation Questions and Answers**

**Q. What is the federal cost-share for rehabilitation projects:**

**A.** Federal funds are limited to 65% of the total rehabilitation costs, but shall not exceed 100% of the actual construction costs.

**Q. Can the entire sponsors' contribution of 35% come from in-kind contributions?**

**A.** Yes.

**Q. Will the cost of NRCS staff time be considered a part of the "total cost" of the rehabilitation project?**

**A.** No.

**Q. If sponsors provide technical assistance (using either their own forces or acquired professional services) can the cost of these services be considered part of the "total cost" of the rehabilitation project and be credited to their 35% cost-share?**

**A.** Yes, if it is documented in a Memorandum of Understanding and NRCS agrees that it is an eligible "in kind contribution".

**Q. If the project sponsors hires an engineering firm to conduct preliminary design work, final design, planning, or other technical assistance prior to selection and funding of the planning of the project, can the cost of these services be credited to the local 35% cost-share?**

**A.** Yes, if it is documented in a Memorandum of Understanding and NRCS agrees that it is an eligible "in-kind contribution" that should apply toward the 35% local cost-share requirement. The sponsor will be informed that there is no guarantee on funding of the project, the priority of the project, or that the alternative being considered on will actually be selected; therefore, the contributions may not actually be credited.

**Q. Will the value of the current landrights be credited as a local in-kind contribution for the rehabilitation project?**

**A.** No. The value of the current landrights may be credited only when the original landrights expired at the end of the original evaluated life of the project. Otherwise, only the value of landrights in addition to those acquired for the current project will be used.

**Q. Can conservation easements or floodplain easements for the downstream breach inundation area be purchased using other federal programs (Wetland Reserve Program, Emergency Watershed Program, etc.)?**

**A.** Yes, provided the applicable program eligibility criteria are met.

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